

**MEETING NO. 21**  
**October 7, 2004**

**ERIE COUNTY LEGISLATURE**

**ERIE COUNTY LEGISLATURE**  
**MEETING NO. 21**  
**October 7, 2004**

The Legislature was called to order by Chairman Holt.

All Members Present.

A moment of silence was held.

The Pledge of Allegiance was led by Ms. Marshall.

Item 1 – CHAIRMAN HOLT directed that Comm. 7M-5 (2004) remain on the table.

Item 2 – CHAIRMAN HOLT directed that Comm. 15E-7 (2004) be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 3 – MS. MARINELLI moved to reconsider Comm. 15E-40 (2004). MR RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

- **Delete** the first **WHEREAS** clause in its entirety and replace it with the following:

WHEREAS, the Erie County Department of Health has recently received a revised grant award from the New York State Health Department in the amount of \$655,316 for the provision of family planning services, and extends the end date from 3/31/04 to 6/30/04, and

- **Delete** the first **RESOLVED** clause in its entirety and replace it with the following:

RESOLVED, that the Erie County Executive is hereby authorized to enter into an agreement with the New York State Health Department to accept the amended grant which extends the end date from 3/31/04 to 6/30/04 and is budgeted as follows:

WOMEN'S HEALTH SERVICES  
 4/1/03- 6/30/04  
 PROJECT #127WOMENHLTH0304

SAP CODE	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
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409010	STATE AID-OTHER	\$ 515,165	\$ +140,151	\$ 655,316
416070	PRIVATE PAY	1,875	+469	2,344
416900	MEDICAID	467,840	+146,960	614,800
416530	PRIOR YEARS ROLLOVER	826,902	+155,194	982,096
416540	INSURANCE	36,000	+9,000	45,000
450000	INTERFUND-NON SUBSIDY	71,908	+17,977	89,885
		<u>          </u>	<u>          </u>	<u>          </u>
	TOTAL REVENUE	<u>\$ 1,919,690</u>	<u>\$ +469,751</u>	<u>\$ 2,389,441</u>
APPROPRIATIONS				
500000	PERSONAL SERVICES	\$ 1,022,843	\$ +237,678	\$ 1,260,521
502000	FRINGE BENEFITS	303,660	+72,967	376,627
505000	OFFICE SUPPLIES	11,000	+2,750	13,750
505400	FOOD SUPPLIES	3,000	0	3,000
505800	MEDICAL SUPPLIES	128,664	+34,224	162,888
506200	MAINTENANCE & REPAIR	39,726	+7,750	47,476
510000	LOCAL MILEAGE	11,410	+2,842	14,252
510100	TRAVEL-OUT OF AREA	12,000	+2,750	14,750
510200	TRAINING AND EDUCATION	500	0	500
516010	CNT PMTS-NP PUR SVS	16,500	+7,125	23,625
516020	PRO SER CNT & FEES	153,098	+85,157	238,255
516030	MAINTENANCE CONTRACTS	0	+8,000	8,000
530000	OTHER EXPENSES	70,430	+12,988	83,418
545000	RENTAL CHARGES	90	+12	102
561410	LAB & TECHNICAL EQUIPMENT	20,000	+13,260	33,260
561420	OFFICE EQUIPMENT	17,261	0	17,261
561430	BUILDINGS & GROUNDS EQUIP	22,000	0	22,000
912700	INTERFUND-HEALTH DEPT.	31,374	+7,844	39,218
	INTERFUND-PUBLIC HEALTH			
912730	LAB	40,043	+10,010	50,053
912790	INTERDEPT-HEALTH GRANTS	- 909	- 39,856	- 40,765
980000	INTERFUND-DISS	17,000	+4,250	21,250
		<u>          </u>	<u>          </u>	<u>          </u>
	TOTAL APPROPRIATIONS	<u>\$ 1,919,690</u>	<u>\$ +469,751</u>	<u>\$ 2,389,441</u>

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 4 – Minutes of previous meeting were tabled.

Item 5 – No public hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 6 – MR. DUSZA presented a resolution Honoring Am-Pol Eagle on its 45<sup>th</sup> Anniversary. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 7 – MR. McCARVILLE presented a resolution Honoring Dwight Krieger for Being Named 2004 East Aurora Chamber of Commerce Volunteer of the Year. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 8 – LEGISLATORS SMITH & HOLT presented a resolution Honoring Professor Scott Williams for Being Named 50 Most Important Blacks in Research Science for 2004 by Science Spectrum Magazine. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 9 – LEGISLATORS SMITH & HOLT presented a resolution Honoring the Boys & Girls Clubs of Buffalo "Lights on Afterschool Program". MS. MARINELLI seconded.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 10 – LEGISLATORS SMITH & HOLT presented a resolution In Memory of Donald A. Garrett. MS. MARINELLI seconded.

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CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 11 – LEGISLATORS SMITH & HOLT presented a resolution Honoring New Pastor of Calvary C.M.E. Church Nicholas O'Neil. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 12 – LEGISLATORS SMITH & HOLT presented a resolution Honoring Dog Trainer "Dogman Joe" Upon His Retirement. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 13 – MS. MARINELLI presented a resolution Honoring Catherine Rybczynski Upon Receiving Hamburg/Orchard Park Business & Profession Women's 2004 Woman of the Year Award. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 14 – LEGISLATORS HOLT, MARINELLI, MAJORITY CAUCUS presented a resolution Honoring Buffalo Bisons Baseball Team as the Governors Cup Champions for 2004. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

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CARRIED UNANIMOUSLY.

Item 15 – MS. MARINELLI presented a resolution Honoring Susan Warren Upon Her Retirement. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 16 – LEGISLATORS SMITH & HOLT presented a resolution In Memory of Milton Leamon. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 17 – MS. MARINELLI presented a resolution Honoring the Business & Professional Women's Association. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of the above twelve resolutions as amended. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 18 –CHAIRMAN HOLT directed that Local Law No. 7 (Print #1) 2003 remain on the table.

GRANTED.

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Item 19 – CHAIRMAN HOLT directed that Local Law No. 4 (Print #1) 2004 remain on the table.

GRANTED.

Item 20 – CHAIRMAN HOLT directed that Local Law No. 10 (Print #1) 2004 remain on the table and in COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Item 21 – CHAIRMAN HOLT directed that Local Law No. 11 (Print #1) 2004 remain on the table.

GRANTED.

**COMMITTEE REPORTS**

Item 22 – MR. DUSZA presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 425

September 30, 2004

ENERGY & ENVIRONMENT  
 COMMITTEE  
 REPORT NO. 12

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.
  - a.
 

	Item	Page	-2004	(Comm. 20E-18)
	<b>COUNTY EXECUTIVE: ECSD No. 4 – ECSA Report – Increase &amp; Improvement of Facility (2004).</b>			
	(5-0)			
  - b.
 

	Item	Page	-2004	(Comm. 20M-1)
	<b>NYSDOT: Design Report/Environmental Assessment for Transit Road, NY Route 78 – Town of Amherst, Clarence, Cheektowaga &amp; Lancaster.</b>			
	(5-0)			
2.
 

	Item	Page	-2004	(Comm. 20E-13)
	<b>COUNTY EXECUTIVE</b>			

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WHEREAS, Niagara County has recently offered to transfer, at no cost, to Erie County approximately forty-five (45) ski T-bars which it can no longer use, and

WHEREAS, the County Parks Department desires to have the ski T-bars for replacements for broken and unrepairable ski T-bars for ski lifts within the Erie County Park System; and

WHEREAS, the only condition Niagara County requests is that Erie County execute a release of liability to Niagara County for the ski T-bars; and

WHEREAS, the Erie County Charter confers upon the Legislature the exclusive authority to accept gifts on behalf of the County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby accepts the gift of approximately forty-five ski T-bars from Niagara County for use in Erie County Parks; and be it further

RESOLVED, the County Executive is hereby authorized to execute any and all agreements with Niagara County regarding the transfer of title of such ski T-bars including, but not limited to, a release of liability, subject to approval by the County Attorney; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to Joel A. Giambra, Erie County Executive; Lawrence D. Jasinski, Commissioner of Parks, Recreation and Forestry; Nancy A. Naples, Erie County Comptroller; Joseph Passafiume, Director of Budget, Management and Finance; and Gregory J. Dudek, Assistant County Attorney.

(5-0)

**RAYMOND K. DUSZA**  
**CHAIRMAN**

MR. DUSZA moved the approval of the resolution. MS MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 23 – MR. KUWIK presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 426

September 30, 2004

PUBLIC SAFETY  
COMMITTEE  
REPORT NO. 12

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**ERIE COUNTY LEGISLATURE**

ALL MEMBERS PRESENT.

1. Item Page -2004 (Comm. 20E-10)

**COUNTY EXECUTIVE**

WHEREAS, National Fuel Gas no longer has a need for a pick-up/plow truck in its operations, and

WHEREAS, the Erie County Department of Emergency Services has a need for the vehicle at its three training facilities and its communications building, and

WHEREAS, the Erie County Department of Emergency Services would like to accept this donation of a pick-up/plow truck and work with the Erie County Department of Information and Support Services-Fleet Division to properly utilize this vehicles at its four facilities.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Department of Emergency Services be authorized by the Erie County Legislature to accept this donation of a pick-up/plow truck from National Fuel Gas, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management, and Finance, the Department of Emergency Services, the Office of the Comptroller and the Department of Information and Support Services-Fleet Division.  
 (5-0)

2. Item Page -2004 (Comm. 20E-15)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature authorized entering into a contract with the IBM Corporation to conduct a risk assessment and gap analysis of workplace network security as required by HIPAA in an amount not to exceed \$27,400, and

WHEREAS, it is necessary to revise the authorized amount by an additional \$2,600 to bring the total amount of the contract to \$30,000 to cover travel expenses, and

WHEREAS, funding is available through accounts within the Bioterrorism Grant, 03-04, SFG #818, Fund 281, Account 516010, Contractual, and

WHEREAS, reimbursement is covered through prior year rollover SAP Account 416500, Prior Year Rollover, under Bioterrorism Grant 0304, Project #818, Fund 110.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes a revision to the amount of the IBM Corporation by an additional \$2,600 to bring the total amount of the contract to \$30,000 to cover travel expenses, and be it further

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RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.  
 (5-0)

**EDWARD J. KUWIK**  
**CHAIRMAN**

MR. KUWIK moved the approval of the resolution. MS MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 24 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 427

September 30, 2004

HUMAN SERVICES  
 COMMITTEE  
 REPORT NO. 11

ALL MEMBERS PRESENT EXCEPT LEGISLATOR DEBENEDETTI.

1. RESOLVED, that the following item is hereby received and filed.

Item Page -2004 (Comm. 19E-6)  
 a. **MARSHALL:** Letter to Health Commissioner Re: Hogweed.  
 (4-0) Legislator DeBenedetti absent.

2. Item Page -2004 (Comm. 20E-16)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Health Department has received a revised grant award from the New York State Department of Health to fund the Healthy Neighborhoods Program, and

WHEREAS, the purpose of the grant is to provide preventive health services and to improve environmental health in various target areas within the County of Erie.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to accept a revised grant award from the New York State Department of Health to be budgeted as follows:

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HEALTHY NEIGHBORHOODS

10/1/03 – 9/30/04

SFG #877 SAP TITLE: 127HLTHYNEIGH0304 SAP COST CENTER: 1271430

		CURRENT		REVISED
SAP	REVENUE	BUDGET	CHANGES	BUDGET
409000	State Aid Other	\$ 235,385	\$-235,385	\$ 0
409010	State Aid Other	42,350	159,371	201,721
	TOTAL	<u>\$ 277,735</u>	<u>\$ -76,014</u>	<u>\$ 201,721</u>
EXPENSES				
500000	Personal Services	\$ 188,665	\$ -45,338	\$ 143,327
501000	Overtime	3,000	-500	2,500
502000	Fringe Benefits	51,701	-10,168	41,533
505000	Office Supplies	3,000	-2,250	750
505200	Clothing Supplies	2,000	-2,000	0
505800	Medical Supplies	2,000	-189	1,811
506200	Repairs & Maintenance	125	-125	0
510000	Travel & Mileage	6,244	-2,444	3,800
501100	Out Of Area Travel	5,000	-5,000	0
530000	Other Expenses	8,000	0	8,000
561410	Equipment -Lab & Technical	6,000	-6,000	0
561420	Equipment-Office Furniture	2,000	-2,000	0
	TOTAL	<u>\$ 277,735</u>	<u>\$ -76,014</u>	<u>\$ 201,721</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.  
 (4-0) Legislator DeBenedetti absent.

**DEMONE A. SMITH**  
**CHAIRMAN**

MR. SMITH moved the approval of the resolution. MS MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 25 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 428

September 30, 2004

ECONOMIC DEVELOPMENT  
 COMMITTEE  
 REPORT NO. 14

ALL MEMBERS PRESENT.

1. RESOLVED, that the following item is hereby received and filed.

Item	Page	-2004	(Comm. 7M-10)
a.	<b>NYS COMPROLLER:</b> Report on Effectiveness of Empire Zones. (5-0)		

2.	Item	Page	-2004	(Comm. 19E-57)
	<b>COUNTY EXECUTIVE</b>			

WHEREAS, the Department of Public Works received bids on July 29, 2004 for the Botanical Gardens, Houses 11 & 12 Reconstruction, and

WHEREAS, the Department of Public Works is recommending award to the lowest responsible bidder,

NOW, THEREFORE, BE It

RESOLVED, that the County Executive be authorized to enter into a contract for Botanical Gardens, Houses 11 & 12 Reconstruction as follows:

C. Nichter, Inc., 30 Wildwood Drive, Lancaster NY 14086

Base & Total Bid	\$1,647,000
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and be it further,

RESOLVED, that the sum of \$190,000 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further,

RESOLVED, that deduct change orders will result in these funds being returned to the contingency account, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment from the following accounts:

A.00011	1999 Botanical Gardens Fund	\$ 17,500
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A.00057	2002 Botanical Gardens Fund	\$466,413
A.00080	2003 Botanical Gardens Master Plan Reconstruction	\$500,000
A.00234	2004 Botanical Gardens Master Plan Reconstruction	\$853,087

and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Office of the County Executive; one copy to the Division of Budget Management & Finance; one copy to the Office of the Comptroller; and one copy to the Botanical Gardens Society.

(5-0)

3. Item Page -2004 (Comm. 20E-8)

**COUNTY EXECUTIVE**

WHEREAS, the County of Erie has been awarded a \$300,000 grant from the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) through the Clean Water/Clean Air Bond Act to design and construct improvements for Tow Path Park – Phase II; and

WHEREAS, the adopted 2004 Erie County capital budget includes \$526,000 as a required match for state grant funds for this project; and

WHEREAS, based on a review of proposals from consulting firms for design and construction inspection services, the firm of Trowbridge and Wolf, LLP has been selected by the County of Erie to undertake said services,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to execute a contract with Trowbridge and Wolf, LLP for an amount not to exceed \$95,000 for the Tow Path Park – Phase II design and construction inspection services; and be it further

RESOLVED, that funds are available in SAP Account A00250, and a total of \$95,000 in funds will be allocated to the project; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Commissioner of the Department of Environment and Planning; the Commissioner of the Department of Parks, Recreation and Forestry; the Director of the Division of Budget, Management and Finance; the County Comptroller; and the County Attorney.

**ATTACHMENT A**

**NAME OF PROJECT:** TOW PATH PARK – PHASE II IMPROVEMENTS

**SKILL REQUIRED:** DESIGN AND CONSTRUCTION INSPECTION SERVICES  
**CONSULTANT RANKINGS:**

Committee Members	Peter J. Smith & Company	Wendel-Duchscherer	Trowbridge and Wolf, LLP
Thomas J. Dearing, DEP Community Planning Coordinator	3	2	1
Spencer P. Schofield, DEP Senior Planner	3	2	1
John Bis, School of Architecture and Planning – SUNYAB - Assistant Dean	3	2	1

*In my opinion in recommending Trowbridge and Wolf, LLP to provide design and construction inspection services for the Tow Path Park Improvements – Phase II, the Department of Environment and Planning (DEP) has complied with all applicable provisions of Section 19.08 of Erie County Administrative Code. Scoring sheets and other material related to this matter are available for review at the DE P offices during regular business hours.*

LAURENCE K. RUBIN, Commissioner  
 Department of Environment and Planning  
 (5-0)

**MARK J. F. SCHROEDER**  
**CHAIRMAN**

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MR. SCHROEDER moved the approval of the resolution. MS MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 26 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTON NO. 429

September 28, 2004

GOVERNMENT AFFAIRS  
 COMMITTEE  
 REPORT NO. 12

ALL MEMBERS PRESENT EXCEPT LEGISLATOR DEBENEDETTI. CHAIRMAN HOLT  
 PRESENT AS EX-OFFICIO MEMBER.

**ALL ITEMS ARE HEREBY TABLED.**

**LYNN M. MARINELLI**  
**CHAIRPERSON**

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 27 –MR. DEBENEDETTI presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTON NO. 430

October 5, 2004

FINANCE & MANAGEMENT  
 COMMITTEE  
 REPORT NO. 12

ALL MEMBERS PRESENT EXCEPT LEGISLATORS SMITH & WEINSTEIN. CHAIRMAN  
 HOLT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, that the following item is hereby received, filed and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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- a. Item Page -2004 (Intro. 17-7)  
**SWANICK:** Requesting New York State Broaden the Definition of “Beverage” for Purpose of Deposit.  
 (4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.
2. RESOLVED, that the following item is hereby received, filed and referred to the GOVERNMENT AFFAIRS COMMITTEE.
- a. Item Page -2004 (Comm. 19E-32)  
**DEBENEDETTI:** Letter to Comptroller Re: Comm. 17E-14.  
 (4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.
- b. Item Page -2004 (Comm. 20E-1)  
**DEBENEDETTI:** Letter to Legislator DeBenedetti Re: Comm. 17E-14.  
 (4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.
3. RESOLVED, that the following items are hereby received and filed.
- a. Item Page -2004 (Comm. 5D-5)  
**BUDGET, MANAGEMENT & FINANCE:** Copy of Letter to Chairman Holt Re: Cost for Rebuilding East Side Transfer Station.  
 (4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.
- b. Item Page -2004 (Comm. 6E-4)  
**COMPTROLLER:** Copy of Letter to Buffalo Fiscal Stability Authority Re-Stating Support for Consolidation of the City & County Comptroller’s Offices.  
 (4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.
- c. Item Page -2004 (Comm. 7E-11)  
**COMPTROLLER:** Report Following Close of Books on 2003 Financial Operations.  
 (4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.
- d. Item Page -2004 (Comm. 11E-11)  
**DEBENEDETTI:** Copy of Letter to Director of Purchase Re: Vehicle Purchases.  
 (4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.
- e. Item Page -2004 (Comm. 13E-8)  
**COMPTROLLER:** Response to Intro. 10-16 – Fiscal Stability in the County Budget.  
 (4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.
- f. Item Page -2004 (Comm. 15E-5)  
**COMPTROLLER:** Information Regarding the County’s Financial Status.  
 (4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.
- g. Item Page -2004 (Comm. 15M-6)  
**SENTOR VOLKER:** Letters Re: Reform of the Medicaid Program.

(4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.

- h. Item Page -2004 (Comm. 16D-7)  
**BUDGET, MANAGEMENT & FINANCE:** Budget Monitoring Report for the Period Ending 3/31/04.  
 (4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.
- i. Item Page -2004 (Comm. 17E-5)  
**COUNTY EXECUTIVE:** Statement Re: Medicaid Busting Erie County's Budget.  
 (4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.
- j. Item Page -2004 (Comm. 19D-8)  
**PURCHASE:** 2<sup>nd</sup> Quarter Vehicle Purchase Orders.  
 (4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.
- k. Item Page -2004 (Comm. 19D-16)  
**OFFICE OF SHERIFF:** Letter to Legislator DeBenedetti Re: Personnel Reductions.  
 (4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.
- l. Item Page -2004 (Comm. 19D-17)  
**OFFICE OF COUNTY EXECUTIVE:** Letters from Various Departments Re: Personnel Reductions.  
 (4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.
- m. Item Page -2004 (Comm. 19D-18)  
**BOARD OF ELECTIONS:** Letter to Legislator DeBenedetti Re: Personnel Reductions.  
 (4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.
- n. Item Page -2004 (Comm. 19D-19)  
**SENIOR SERVICES:** Letter to Legislator DeBenedetti Re: Personnel Reductions.  
 (4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.
- o. Item Page -2004 (Comm. 19D-25)  
**DISS – FLEET SERVICES:** 2<sup>nd</sup> Quarter review.  
 (4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.
- p. Item Page -2004 (Comm. 19D-46)  
**BUDGET, MANAGEMENT & FINANCE:** Letter to Legislator DeBenedetti Re: Response to Medicaid Inquiry.  
 (4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.
- q. Item Page -2004 (Comm. 19E-7)  
**DISTRICT ATTORNEY:** Letter to Legislator DeBenedetti Re: Proposed Layoffs.  
 (4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.

**MEETING NO. 21**  
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**ERIE COUNTY LEGISLATURE**

- r.     Item           Page                           -2004           (Comm. 19E-9)  
**COMPTROLLER:** Apportionment & Distribution of 4% Sales Tax for 7/04.  
(4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.
- s.     Item           Page                           -2004           (Comm. 19E-13)  
**COMPTROLLER:** Petty Cash Account Closeout.  
(4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.
- t.     Item           Page                           -2004           (Comm. 19E-14)  
**COMPTROLLER:** ECMC Audited 2003 Financial Report.  
(4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.
- u.     Item           Page                           -2004           (Comm. 19E-17)  
**COMPTROLLER:** Certificate of Determination Re: Terms, Forms & Details of Sale &  
Issuance of \$79,695,000 of Bonds.  
(4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.
- v.     Item           Page                           -2004           (Comm. 19E-21)  
**COMPTROLLER:** Quarterly Investment Report 4/04 – 6/04.  
(4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.
- w.     Item           Page                           -2004           (Comm. 19E-33)  
**COMPTROLLER:** Apportionment & Distribution of 4% Sales Tax for 8/04.  
(4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.
- x.     Item           Page                           -2004           (Comm. 19E-43)  
**DEBENEDETTI:** Letter to Comptroller Re: Fleet Services Audit.  
(4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.
- y.     Item           Page                           -2004           (Comm. 19E-47)  
**COMPTROLLER:** Announcing Sale of \$82,500,000 Revenue Anticipation Note.  
(4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.
- z.     Item           Page                           -2004           (Comm. 19E-48)  
**COMPTROLLER:** Announcing Sale of \$79,695,000 General Obligation Bonds.  
(4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.
- aa.    Item           Page                           -2004           (Comm. 19M-4)  
**LEGAL AID BUREAU OF BUFFALO:** Request to Retain 2003 Surplus Funds.  
(4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.
- bb.    Item           Page                           -2004           (Comm. 19M-14)  
**NYS REAL PROPERTY SERVICES:** List of Certified 2004 State Equalization Rates.  
(4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.

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- cc. Item Page -2004 (Comm. 19M-15)  
**NYS REAL PROPERTY SERVICES:** List of Certified 2004 State Equalization Rates.  
 (4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.
- dd. Item Page -2004 (Comm. 19M-16)  
**NYS REAL PROPERTY SERVICES:** List of Certified 2004 State Equalization Rates.  
 (4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.
- ee. Item Page -2004 (Comm. 19M-23)  
**NYS REAL PROPERTY SERVICES:** List of Certified 2004 State Equalization Rates.  
 (4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.
- ff. Item Page -2004 (Comm. 19M-31)  
**NYS REAL PROPERTY SERVICES:** List of Certified 2004 State Equalization Rates.  
 (4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.
- gg. Item Page -2004 (Comm. 19M-40)  
**NYS REAL PROPERTY SERVICES:** List of Certified 2004 State Equalization Rates.  
 (4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.

**AS AMENDED**

- 4a. Item Page -2004 (Comm. 1D-21)  
 WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556 and

WHEREAS, the Director has investigated the validity of such applications (see attached listing) now therefore be it,

RESOLVED, that petitions numbered 204261 through 204275 inclusive be hereby approved or denied base upon the recommendation of the Director of Real Property Services and be charged back to the applicable towns and / or cities.

<b>FISCAL YEAR 2004</b>	Petition No.	<b>204261</b>
ASSESSOR	<b>Cancel</b>	\$598.20
<b>S-B-L 56.10-2-72</b>	<b>142289 AMHERST</b>	
	Acct. No. 112	\$0.00 County
	Acct. No. 132	\$598.20 Town/SpecialDist/School
41854 BASIC STAR EXEMPTION		\$598.20
<b><u>Charge To :</u></b>	<b>142289 AMHERST</b>	<b>\$0.00</b>

CANCEL - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,000 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C





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**ERIE COUNTY LEGISLATURE**

	Acct. No. 132	\$525.58	Town/SpecialDist/School
	41854 BASIC STAR EXEMPTION	\$525.58	
	41854 BASIC STAR EXEMPTION	\$525.58	
<b><u>Charge To :</u></b>	<b>143601 GOWANDA</b>		<b>\$-525.58</b>

CANCEL CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 24,600 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C  
GOWANDA CENTRAL

FISCAL YEAR 2004                      Petition No.                      **204268**

ASSESSOR                      **Cancel**                      \$1,414.03

**S-B-L** 306.00-1-7.111                      **143889 CONCORD**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,414.03	Town/SpecialDist/School
<b><u>Charge To :</u></b>	<b>143889 CONCORD</b>		<b>\$1,414.03</b>
	<b>Relevy School</b>	\$1,414.03	143801 SPRING-GRIFFITH

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 438,000 AND SHOULD BE 395,800. RPTL 550(2)A

FISCAL YEAR 2004                      Petition No.                      **204269**

ASSESSOR                      **Cancel**                      \$1,232.21

**S-B-L** 234.16-2-27.1                      **144489 EVANS**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,232.21	Town/SpecialDist/School
<b><u>Charge To :</u></b>	<b>144489 EVANS</b>		<b>\$1,232.21</b>
	<b>Relevy School</b>	\$1,232.21	144401 LAKE SHORE CENTRAL

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 474,600 AND SHOULD BE 424,600. RPTL 550(2)A.

FISCAL YEAR 2004                      Petition No.                      **204270**





**MEETING NO. 21**  
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**ERIE COUNTY LEGISLATURE**

CANCEL - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 19,680 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C  
 HAMBURG CENTRAL

(4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.

**AS AMENDED**

4b. Item Page -2004 (Comm. 1D-21)  
 WHEREAS, the Erie County Director of Real property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556 and

WHEREAS, the Director has investigated the validity of such applications (see attached listing) now therefore be it,

RESOLVED, that petitions numbered 204276 through 204311 inclusive be hereby approved or denied base upon the recommendation of the Director of Real Property Services and be charged back to the applicable towns and / or cities.

**FISCAL YEAR 2004**                      Petition No.                      **204276**

ASSESSOR                      **Cancel**                      \$414.74

**S-B-L 40.68-1-41./146B**                      **142289 AMHERST**

Acct. No. 112                      \$0.00      County  
 Acct. No. 132                      \$414.74      Town/SpecialDist/School

41854 BASIC STAR EXEMPTION                      \$414.74

**Charge To :**                      **142289 AMHERST**                      **\$0.00**

CANCEL - CLERICAL ERROR, BASIC STAR 30,000 THAT THIS PARCEL IS ENTITLED WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C  
 SWEET HOME CENTRAL

**FISCAL YEAR 2004**                      Petition No.                      **204277**

ASSESSOR                      **Cancel**                      \$598.20

**S-B-L 41.08-7-7**                      **142289 AMHERST**

Acct. No. 112                      \$0.00      County  
 Acct. No. 132                      \$598.20      Town/SpecialDist/School

41854 BASIC STAR EXEMPTION                      \$598.20

**Charge To :**                      **142289 AMHERST**                      **\$0.00**

**MEETING NO. 21**  
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**ERIE COUNTY LEGISLATURE**

CANCEL - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,000 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C  
 WILLIAMSVILLE CENTRAL

**FISCAL YEAR 2004**                      Petition No.                      **204278**

ASSESSOR                      **Cancel**                      \$319.04

**S-B-L** 41.20-2-11.1                      **142289 AMHERST**

Acct. No. 112                      \$0.00      County  
 Acct. No. 132                      \$319.04      Town/SpecialDist/School

**Charge To :**                      **142289 AMHERST**                      **\$319.04**  
**Relevy School**                      \$319.04      142203 WILLIAMSVILLE CENT

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 205,000 AND SHOULD BE 189,000.  
 RPTL 550(2)A

**FISCAL YEAR 2004**                      Petition No.                      **204279**

ASSESSOR                      **Cancel**                      \$598.20

**S-B-L** 41.20-6-4                      **142289 AMHERST**

Acct. No. 112                      \$0.00      County  
 Acct. No. 132                      \$598.20      Town/SpecialDist/School

**Charge To :**                      **142289 AMHERST**                      **\$598.20**  
**Relevy School**                      \$598.20      142203 WILLIAMSVILLE CENT

CANCEL - CLERICAL ERROR, THE ASSMENT WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSED VALUE WAS 250,000 AND SHOULD BE 220,000.  
 RPTL 550(2)A

**FISCAL YEAR 2004**                      Petition No.                      **204280**

ASSESSOR                      **Cancel**                      \$598.20

**S-B-L** 41.64-2-37                      **142289 AMHERST**

Acct. No. 112                      \$0.00      County  
 Acct. No. 132                      \$598.20      Town/SpecialDist/School

41854 BASIC STAR EXEMPTION                      \$598.20

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ERIE COUNTY LEGISLATURE

**Charge To :                    142289 AMHERST                    \$0.00**

CANCEL - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,000 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C  
WILLIAMSVILLE CENTRAL

FISCAL YEAR 2004                    Petition No.                    **204281**

ASSESSOR                    **Cancel**                    \$598.20

**S-B-L** 42.01-6-84.1                    **142289 AMHERST**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$598.20	Town/SpecialDist/School
<b><u>Charge To :</u></b>	<b>142289 AMHERST</b>	<b>\$598.20</b>	
	<b>Relevy School</b>	\$598.20	142203 WILLIAMSVILLE CENT

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSEMENT WAS 200,000 AND SHOULD BE 170,000.  
RPTL 550(2)A

FISCAL YEAR                    Petition No.                    **204282**

**Cancel**

**S-B-L**

	Acct. No. 112	\$0.00	County
	Acct. No. 132		Town/SpecialDist/School
41854	BASIC STAR EXEMPTION	\$398.80	
41854	BASIC STAR EXEMPTION	\$398.80	
<b><u>Charge To :</u></b>	<b>142289 AMHERST</b>	<b>\$-398.80</b>	

CANCEL - CLERICAL ERROR, RECEIVED THE BASIC STAR IN THE AMOUNT OF 30,000 AND SHOULD HAVE RECEIVED THE ENHANCED STAR IN THE AMOUNT OF 50,000. RPTL 550(2)B  
WILLIAMSVILLE CENTRAL

FISCAL YEAR 2004                    Petition No.                    **204283**

ASSESSOR                    **Cancel**                    \$598.19

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**ERIE COUNTY LEGISLATURE**

S-B-L 42.315-8-40

**142289 AMHERST**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$598.19	Town/SpecialDist/School
<b><u>Charge To :</u></b>	<b>142289 AMHERST</b>	<b>\$598.19</b>	
	<b>Relevy School</b>	\$598.19	142203 WILLIAMSVILLE CENT

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 160,000 AND SHOULD BE 130,000.  
RPTL 550(2)A

FISCAL YEAR 2004                      Petition No.                      **204284**

ASSESSOR                      **Cancel**                      \$807.57

S-B-L 55.16-3-7.1/61A1

**142289 AMHERST**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$807.57	Town/SpecialDist/School
	41834 NYS STAR ENHANCED EXEMPTION	\$807.57	
<b><u>Charge To :</u></b>	<b>142289 AMHERST</b>	<b>\$0.00</b>	

CANCEL - CLERICAL ERROR, THE ENHANCED STAR IN THE AMOUNT OF 50,000 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C  
WILLIAMSVILLE CENTRAL

FISCAL YEAR 2004                      Petition No.                      **204285**

ASSESSOR                      **Cancel**                      \$165.90

S-B-L 55.18-4-12

**142289 AMHERST**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$165.90	Town/SpecialDist/School
<b><u>Charge To :</u></b>	<b>142289 AMHERST</b>	<b>\$165.90</b>	
	<b>Relevy School</b>	\$165.90	142207 SWEET HOME CENTRAL

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TA X ROLL. THE ASSESSMENT WAS 128,000 AND SHOULD BE 116,000.  
RPTL 550(2)A\

FISCAL YEAR 2004                      Petition No.                      **204286**









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**ERIE COUNTY LEGISLATURE**

**FISCAL YEAR 2004**                      Petition No.                      **204298**

ASSESSOR                      **Cancel**                      \$219.30

**S-B-L 282.07-1-13.1**                      **142889 BRANT**

Acct. No. 112	\$0.00	County
Acct. No. 132	\$219.30	Town/SpecialDist/School
<b>Charge To :</b>	<b>142889 BRANT</b>	<b>\$219.30</b>
<b>Relevy School</b>	\$219.30	144401 LAKE SHORE CENTRAL

CANCEL - CLERICAL ERROR, THE AGRICULTURAL EXEMPTION IN THE AMOUNT OF 11,865 OMITTED FROM THE TAX ROLL. RPTL 550(2)C

**FISCAL YEAR 2004**                      Petition No.                      **204299**

ASSESSOR                      **Cancel**                      \$497.99

**S-B-L 30.00-4-3**                      **143200 CLARENCE**

Acct. No. 112	\$0.00	County
Acct. No. 132	\$497.99	Town/SpecialDist/School
41854 BASIC STAR EXEMPTION	\$497.99	
<b>Charge To :</b>	<b>143200 CLARENCE</b>	<b>\$0.00</b>

CANCEL - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,000 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C  
 CLARENCE CENTRAL

**FISCAL YEAR 2004**                      Petition No.                      **204300**

ASSESSOR                      **Cancel**                      \$418.31

**S-B-L 45.00-1-43**                      **143200 CLARENCE**

Acct. No. 112	\$0.00	County
Acct. No. 132	\$418.31	Town/SpecialDist/School
<b>Charge To :</b>	<b>143200 CLARENCE</b>	<b>\$418.31</b>
<b>Relevy School</b>	\$418.31	143201 CLARENCE CENTRAL

CANCEL - CLERICAL ERROR, THE AGRICULTURAL EXEMPTION IN THE AMOUNT OF 66,210 SHOULD HAVE BEEN IN THE AMOUNT OF 91,410. RPTL 550(2)B



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**ERIE COUNTY LEGISLATURE**

SPRINGVILLE GRIFFITH

FISCAL YEAR 2004                      Petition No.                      **204304**

ASSESSOR                      **Cancel**                      \$856.86

**S-B-L** 238.12-1-4                      **144000 EDEN**

Acct. No. 112                      \$0.00                      County

Acct. No. 132                      \$856.86                      Town/SpecialDist/School

41834 NYS STAR ENHANCED EXEMPTION                      \$856.86

**Charge To :**                      **144000 EDEN**                      **\$0.00**

CANCEL - CLERICAL ERROR, THE ENHANCED STAR IN THE AMOUNT OF 42,930  
WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C  
EDEN CENTRAL

FISCAL YEAR 2004                      Petition No.                      **204305**

ASSESSOR                      **Cancel**                      \$1,003.44

**S-B-L** 309.00-1-8                      **146200 SARDINIA**

Acct. No. 112                      \$0.00                      County

Acct. No. 132                      \$1,003.44                      Town/SpecialDist/School

41854 BASIC STAR EXEMPTION                      \$1,003.44

**Charge To :**                      **146200 SARDINIA**                      **\$0.00**

CANCEL - CLERICAL ERROR, THE ENHANCED STAR EXEMPTION IN THE AMOUNT  
OF 36,080 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR 2004                      Petition No.                      **204306**

ASSESSOR                      **Cancel**                      \$602.12

**S-B-L** 324.00-1-32                      **146200 SARDINIA**

Acct. No. 112                      \$0.00                      County

Acct. No. 132                      \$602.12                      Town/SpecialDist/School

41854 BASIC STAR EXEMPTION                      \$602.12

**Charge To :**                      **146200 SARDINIA**                      **\$0.00**

CANCEL - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF  
21,650 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

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**ERIE COUNTY LEGISLATURE**

SPRINGVILLE GRIFFITH  
FISCAL YEAR 2004                      Petition No.                      **204307**

ASSESSOR                      **Cancel**                      \$1,230.01

**S-B-L** 325.00-1-10.121                      **146200 SARDINIA**

Acct. No. 112	\$0.00	County
Acct. No. 132	\$1,230.01	Town/SpecialDist/School
<b>Charge To :</b>	<b>146200 SARDINIA</b>	<b>\$1,230.01</b>
<b>Relevy School</b>	\$1,230.01	048401 PIONEER CENTRAL

CANCEL - CLERICAL ERROR, THE AGRICULTURAL EXEMPTION IN THE AMOUNT OF 72,227 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR 2004                      Petition No.                      **204308**

ASSESSOR                      **Cancel**                      \$1,003.44

**S-B-L** 338.00-1-23                      **146200 SARDINIA**

Acct. No. 112	\$0.00	County
Acct. No. 132	\$1,003.44	Town/SpecialDist/School
41834 NYS STAR ENHANCED EXEMPTION	\$1,003.44	
<b>Charge To :</b>	<b>146200 SARDINIA</b>	<b>\$0.00</b>

CANCEL - CLERICAL ERROR, THE ENHANCED STAR EXEMPTION IN THE AMOUNT OF 36,080 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C  
SPRINGVILLE GRIFFITH

FISCAL YEAR 2004                      Petition No.                      **204309**

ASSESSOR                      **Cancel**                      \$637.86

**S-B-L** 66.49-4-3                      **146489 TONAWANDA**

Acct. No. 112	\$0.00	County
Acct. No. 132	\$637.86	Town/SpecialDist/School
41854 BASIC STAR EXEMPTION	\$637.86	
<b>Charge To :</b>	<b>146489 TONAWANDA</b>	<b>\$0.00</b>

CANCEL - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF



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**ERIE COUNTY LEGISLATURE**

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and this PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for Lower West Side Homes, Inc., it is necessary to obtain tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute la Payment in Lieu of Taxes (PILOT) Agreement with Lower West Side Homes, L.P. and the City of Buffalo relating to the Lower West Side Homes and all other agreements necessary to conclude this Project; and be it further

RESOLVED, that said Agreement shall include an annual Payment in Lieu of Taxes (PILOT) of \$9,948.00 by Lower West Side Homes, L.P. in the first year of the PILOT Agreement with a three (3) percent increase annually thereafter for a fifteen (15) year period, with the County share of each annual payment being twenty-five (25) percent of the total amount; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Director of Budget, Management, and Finance, the Commissioner of the Department of Environment and Planning, the County Comptroller, and the County Attorney.

ATTACHMENT

LOWER WEST SIDE HOMES, L.P.

LOWER WEST SIDE HOMES

PILOT Payments

Total Effective Income    \$331,601

<u>YEAR</u>	<u>CITY OF BUFFALO</u>	<u>ERIE COUNTY</u>
1	\$7461.00	\$2487.00
2	\$7684.00	\$2567.00
3	\$7916.00	\$2638.00
4	\$8152.00	\$2718.00
5	\$8397.00	\$2800.00
6	\$8649.00	\$2883.00
7	\$8908.00	\$2969.00
8	\$9176.00	\$3059.00
9	\$9452.00	\$3150.00

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**ERIE COUNTY LEGISLATURE**

10	\$9735.00	\$3245.00
11	\$10,027.00	\$3342.00
12	\$10,328.00	\$3442.00
13	\$10,638.00	\$3546.00
14	\$10,957.00	\$3652.00
15	\$11,285.00	\$3762.00
16	Full Taxation	Full Taxation

(4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.

6. Item Page -2004 (Comm. 19E-61)

**COUNTY EXECUTIVE**

WHEREAS, the Division of Budget, Management and Finance has examined its appropriation for Office Supplies and has determined that current funds will not be adequate for 2004.

NOW, THEREFORE, BE IT

RESOLVED, that the following transactions are hereby authorized in the 2004 Adopted Budget of the Division of Budget, Management and Finance:

<u>Account</u>	<u>Commitment Item</u>	<u>Increase (Decrease)</u>
505000	Office Supplies	2,000
510100	Out of Area Travel	-1,000
510200	Training and Education	<u>-1,000</u>
	Net Change	-0-

and be it further

RESOLVED, that certified copies of this resolution shall be sent to the County Executive, the Director of Budget, Management and Finance and the County Comptroller.

(4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.

7. Item Page -2004 (Comm. 20E-5)

WHEREAS, the Legal Aid Bureau of Buffalo Inc. has a 2003 general fund surplus of \$15,729.03, and

WHEREAS, the County contract with said agency allows for retention of any operating surplus in the next fiscal year, subject to approval of the Legislature, and

WHEREAS, the Legal Aid Bureau will utilize these funds for the Indigent Defense Program,

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NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the Legal Aid Bureau of Buffalo Inc., to retain their 2003 general fund surplus of \$15,729.03 for 2004 operational needs in the Indigent Defense Program, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Division of Budget, Management and Finance, the Office of the Comptroller and the County Attorney's Office.

(4-0) Legislators Smith & Weinstein absent. Chairman Holt present as Ex-Officio Member.

**ALBERT DEBENEDETTI**  
**CHAIRMAN**

MR. DEBENEDETTI moved the approval of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

**LEGISLATORS RESOLUTIONS**

Item 28 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 431

Re: Consideration for Public Benefit  
 Funding. (Intro. 21-1)

**A RESOLUTION SUBMITTED BY LEGISLATOR DUSZA**

WHEREAS, the Legislature set aside Public Benefit Funds in the 2003 and 2004 Erie County Budgets for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No. 3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization, and

WHEREAS, On January 14, 2004 the Erie County Legislature approved Intro 2-3 (2004), as amended, designating the Cheektowaga Town Park Association (\$1,500) to receive an application for Public Benefit Funding, and

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WHEREAS, On March 4, 2004 the Erie County Legislature approved Intro 6-15 (2004), as amended, designating the Cheektowaga Police Club, Inc. (\$500), Hope for Tomorrow Foundation (\$2,000), and Rescue Fire District No. 1 (\$2,500), to receive applications for Public Benefit Funding, and

WHEREAS, On May 27, 2004 the Erie County Legislature approved Intro 11-10 (2004), as amended, designating the Cub Scout Pack 54 (\$500), and Boy Scout Troop 54 (\$500), to receive applications for Public Benefit Funding, and

WHEREAS, On November 20, 2003 the Erie County Legislature approved Intro 22-3 (2003), as amended, designating the Town of Cheektowaga (Council Office) \$5,000 to receive an application for Public Benefit Funding, and

WHEREAS, On March 18, 2004, the Erie County Legislature approved Intro 7-5 (2004), as amended, transferring \$5,000 for the Town of Cheektowaga (Council Office) from the legislative Contractual Account (110905100830), to Fund 110, Project 921, Department 301 Agency Payments and Grants- Public Benefit Services (110921301830) for payment, and

WHEREAS, On April 1, 2004 the Erie County Legislature approved Intro 8-5 (2004), as amended, designating Boy Scout Troop 54 (\$1,000) and Roswell Park Cancer Institute (\$1,500) to receive an application for Public Benefit Funding, and

WHEREAS, On April 1, 2004 the Erie County Legislature approved Intro 8-5 (2004), as amended, transferring funds for The Roswell Park Cancer Institute (\$1,500).

NOW, THEREFORE, BE IT,

RESOLVED, that the Town of Cheektowaga (Council Office) funds totaling \$5,000 shall be returned to the Legislature-Contractual Fund Cost Center 1341010, from Funds Reservation 100000079-5, and be it further

RESOLVED, that Roswell Park Cancer Institute funds totaling \$1,500 shall be returned to the Legislature-Contractual Fund Cost Center 1341010, from Funds Reservation 100000081-1, and be it further

RESOLVED, that the designation of \$1,500 for Roswell Park Cancer Institute per Intro 8-5 (2004), \$5,000 for Town of Cheektowaga (Council Office) per Intro 7-5 (2004), \$1,000 for Boy Scout Troop 54 per Intro 8-5 (2004), \$1,500 for Cheektowaga Town Park per Intro 2-3 (2004), \$500 for Cheektowaga Police Club, Inc. per Intro 6-15 (2004), \$2,000 for Hope for Tomorrow Foundation per Intro 6-15 (2004), \$2,500 for Rescue Fire District No. 1 per Intro 6-15 (2004), \$500 for Cub Scout Pack 54 per Intro 11-10 (2004), and \$500 for Boy Scout Troop 54 be reallocated and added to a new allocation per passage of this resolution, and be it further

RESOLVED, that the Erie County Legislature does hereby authorize its Public Benefit Administrator to send an application for Public Benefit Funding to the following organizations:

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<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Matt Urban Memorial	\$10,000	DUSZA
Town of Cheektowaga (Council Office)	\$3,000	DUSZA
Cheektowaga Town Park	\$2,000	DUSZA
<b>TOTAL</b>	<b>\$15,000</b>	

And be it further

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrators Crystal L. Quick and Laurie A. Manzella; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: Appropriation of 2003 and 2004 budgeted funds

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

- **DELETE** the third (3<sup>rd</sup>) WHEREAS in its entirety and **REPLACE** with the following:

WHEREAS, on January 14, 2004, the Erie County Legislature approved Intro 2-3 (2004) as amended, designating the Cheektowaga Town Park Homeowners Association (\$1,500) to receive an application for Public Benefit Funding, and

- **DELETE** the third (3<sup>rd</sup>) RESOLVE Clause in its entirety and **REPLACE** with the following:

RESOLVED, that the designation of \$1,500 for Roswell Park Cancer Institute per Intro 8-5 (2004), \$5,000 for Town of Cheektowaga (Council Office) per Intro 7-5 (2004), \$1,000 for Boy Scout Troop 54 per Intro 8-5 (2004), \$1,500 for Cheektowaga Town Park Homeowners Association per Intro 2-3 (2004), \$500 for Cheektowaga Police Club Inc., per Intro 6-15 (2004), \$2,000 for Home for Tomorrow Foundation per Intro 6-15 (2004), \$2,500 for Rescue Fire District No. 1 per Intro 6-15 (2004), \$500 for Cub Scout Pack 54 per Intro 11-10 (2004), and \$500 for Boy Scout Troop 54 be reallocated and added to a new allocation per passage of this resolution, and be it further

- **DELETE** the fourth (4<sup>th</sup>) RESOLVE Clause in its entirety and **REPLACE** with the following:

RESOLVED, that the Erie County Legislature does hereby authorize its Public Benefit Administrator to send an application for Public Benefit Funding to the following organizations:

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<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Matt Urban Memorial	\$10,000	DUSZA
Town of Cheektowaga (Council Office)	\$3,000	DUSZA
Cheektowaga Town Park Homeowners Association	\$2,000	DUSZA
<b>TOTAL</b>	\$15,000	

And be it further

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 29 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 432

Re: Consideration for Public Benefit Funding. (Intro. 21-2)

A RESOLUTION SUBMITTED BY LEGISLATOR WROBLEWSKI

WHEREAS, the Legislature set aside Public Benefit Funds in the 2003 and 2004 Erie County Budgets for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No. 3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization, and

WHEREAS, On December 11, 2003 the Erie County Legislature approved Intro 25-3 (2003), as amended, designating the Vigilant Fire Company (\$1,000) to receive an application for Public Benefit Funding, and

WHEREAS, On September 23, 2004 the Erie County Legislature approved Intro 20-3 (2004), as amended, designating SCOPE (\$1,000) to receive an application for Public Benefit Funding, and

NOW, THEREFORE, BE IT

RESOLVED, that the designation of \$1,000 for Vigilant Fire Company per Intro 25-3 (2003) be reallocated and added to a new allocation per passage of this resolution, and be it further

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RESOLVED, that the Erie County Legislature does hereby authorize its Public Benefit Administrator to send an application for Public Benefit Funding to the following organizations:

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
West Playground Pals, Inc.	\$5,000	WROBLEWSKI
TOTAL	\$5,000	

And be it further

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrators Crystal L. Quick and Laurie A. Manzella; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: Appropriation of 2003 and 2004 budgeted funds

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

- **DELETE** the resolution in its entirety and **REPLACE** with the following:

WHEREAS, the Legislature set aside Public Benefit Funds in the 2003 and 2004 Erie County Budgets for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No. 3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization, and

WHEREAS, On December 11, 2003 the Erie County Legislature approved Intro 25-3 (2003), as amended, designating the Vigilant Fire Company (\$1,000) to receive an application for Public Benefit Funding, and

NOW, THEREFORE, BE IT,

RESOLVED, that the designation of \$1,000 for Vigilant Fire Company per Intro 25-3 (2003) be reallocated and added to a new allocation per passage of this resolution, and be it further

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RESOLVED, that the Erie County Legislature does hereby authorize its Public Benefit Administrator to send an application for Public Benefit Funding to the following organizations:

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
West Playground Pals, Inc.	\$5,000	WROBLEWSKI
<b>TOTAL</b>	\$5,000	

And be it further

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrators Crystal L. Quick and Laurie A. Manzella; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: Appropriation of 2003 and 2004 budgeted funds

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 30 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 433

Re: Doctor Billitier Addressing Human  
 Services Committee on the Threat of  
 (Pertussis) Whooping Cough.  
 (Intro. 21-3)

A RESOLUTION SUBMITTED BY  
 LEGISLATOR CUSACK, WEINSTEIN, McCARVILLE, SWANICK  
 RANZENHOFER & CHASE

WHEREAS, recent national news stories have reported the return of (Pertussis) Whooping Cough, which was thought to be almost eradicated in the United States due to systematic immunization of infants since the 1940's, and

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WHEREAS, the disease was one of the most common causes of death in childhood before immunization efforts began, with more than 175,000 people every year in the United States contracting the disease, and

WHEREAS, last year, according to the Centers for Disease Control and Prevention, there were 11,647 known U.S. cases of (Pertussis) Whooping Cough, a 30-year high, with one-fifth of the cases in children less than a year old, and

WHEREAS, most people, including professionals misunderstand the disease, which results in many cases never getting diagnosed, and

WHEREAS, cases of (Pertussis) Whooping Cough have been reported in 20 states: Florida, Oklahoma, South Carolina, Texas, Pennsylvania, Illinois, Maine, Missouri, Wisconsin, Ohio, New Jersey, Tennessee, New Mexico, Massachusetts, Minnesota, Colorado, Arkansas, California, Washington and New York, and

WHEREAS, the number of New Yorkers affected by the highly contagious respiratory illness has passed the one-thousand mark for the second straight year, which has prompted health officials to step up efforts to stave off the disease, and

WHEREAS, cases have been identified right here in Erie County, and

WHEREAS, the New York State Health Department has posted a bulletin to community health departments and health care providers about the recent trend, and

WHEREAS, (Pertussis) Whooping Cough in a recognizable form evolves from common cold like symptoms to chronic, but intermittent coughing spells that can induce vomiting, cause fainting, burst blood vessels and cause death, and

WHEREAS, (Pertussis) Whooping Cough is extremely infectious and renders those who contract it contagious for up to several weeks, and

WHEREAS, because the disease is so difficult to diagnose many sufferers or their parents spend months of anxiety, living with a desperately severe cough, unable to convey its severity to the doctors they are seeking help from because they are often told it is a virus or asthma, and

WHEREAS, it is important for the Erie County Legislature to be updated on the threat of (Pertussis) Whooping Cough to our community, as well as the efforts that are underway in the Erie County Health Department to prevent the spread of the disease and educate the public,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is committed to protecting the public health of all residents in Erie County, and be it further

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RESOLVED, that this Honorable Body requests the presence of Dr. Anthony Billittier at a future meeting of the Human Services Committee to discuss the threat of (Pertussis) Whooping Cough in our community and the educational and preventative measures that are being taken by the Erie County Department of Health , and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Dr. Anthony Billittier, Commissioner, Erie County Health Department.

Fiscal Impact: NONE

MS. MARINELLI moved the approval of the resolution. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 31 – CHAIRMAN HOLT directed that the following resolution be referred to the HUMAN SERVICES COMMITTEE.

GRANTED.

Intro. 21-4 FROM LEGISLATORS CHASE, MCCARVILLE, RANZENHOFER, SWANICK & CUSACK Re: Support for Mandatory Psychiatric Evaluation & Treatment for Persons Convicted of Animal Cruelty (A.2307).

Item 32 – CHAIRMAN HOLT directed that the following resolution be referred to the HUMAN SERVICES COMMITTEE.

GRANTED.

Intro. 21-5 FROM LEGISLATORS SMITH & HOLT Re: Call for an Investigation for the Hiring Practices of the Buffalo & Erie County Public Library.

Item 33 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 434

Re: Personnel Adjustments.  
 (Intro. 21-6)

A RESOLUTION SUBMITTED BY LEGISLATOR DUSZA

WHEREAS, periodically, the Erie County Legislature deems it necessary to make certain personnel adjustments so as to ensure the continuity of services to the County, and

MR. DUSZA moved to amend the resolution. MS. MARINELLI seconded.

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CARRIED UNANIMOUSLY.

- **ADD** the following after the first WHEREAS:

WHEREAS, the individual holding the title of SR SEC ASST DIS OFF (Position No. 00003867) retired from Erie County service on August 31, 2004, and

WHEREAS, due to this retirement it is necessary to restructure staff within a Legislative District Office,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby DELETE one (1) position of SR SEC ASST DIS OFF (Position No. 00003867), and be it further

RESOLVED, that this Honorable Body does CREATE one (1) new position of SR SEC ASST DIST RPT (Position No. 00006600) effective October 18, 2004, and be it further

RESOLVED, that this Honorable Body further CREATES one (1) new position of CLERK TYP (LEG) PT effective October 18, 2004, and be it further

RESOLVED, that the funds necessary to effectuate these adjustments are available within the Legislature's 2004 budget for Personal Services, and be it further

RESOLVED, that the Clerk of the Legislature, the Commissioner of the Department of Personnel, and the Director of the Budget, Management & Finance are hereby authorized to complete all of the necessary paperwork to effectuate these personnel changes, and be it further

RESOLVED, that certified copies of this resolution be sent to the Commissioner of the Department of Personnel and the Director of the Division of Budget, Management & Finance.

Fiscal Impact: Reorganization of 2004 Personal Services Budget; no additional costs anticipated.

MR. DUSZA moved the approval of the resolution as amended. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 34 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 435

Re: Consideration for Public Benefit Funding. (Intro. 21-7)

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A RESOLUTION SUBMITTED BY LEGISLATOR KUWIK

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize its Public Benefit Administrator to send an application for Public Benefit Funding to the following organizations:

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
City of Lackawanna Police Department K-9 Division	\$1,500	KUWIK
TOTAL	\$1,500	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrator of the Erie County Legislature; and Assistant County Attorney Greg Dudek.

Item 35 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 436

Re: Designation of Authorized Tourism  
Promotion Agency for Erie County for  
2004-05. (Intro. 21-8)

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A RESOLUTION SUBMITTED BY LEGISLATORS HOLT, MARINELLI, RANZENHOFER, SMITH, CUSACK, WROBLEWSKI, SCHROEDER, DEBENEDETTI, DUSZA, KUWIK, MCCARVILLE, WEINSTEIN, CHASE, MARSHALL AND SWANICK

WHEREAS, the promotion, development, and expansion of the tourist travel, report, and vacation business are vital and necessary concerns to the citizens of Erie County, since such tourism business strengthens the county's economy, increases employment opportunities, and promotes the general welfare of county residents, and

WHEREAS, the New York State Legislature, in 1977, recognizing the value of local and state involvement and assistance in tourism promotion, enacted the New York State Tourism Protection Act, and

WHEREAS, this Tourism Protection Act authorizes the state's Department of Commerce to initiate a program of matching state funds for non-profit tourist promotion agencies designated by county legislative bodies as agencies authorized to apply for and receive grants for recognized media advertising programs, and

WHEREAS, on several occasions, the Erie County Legislature has expressed its sincere concern for the county's efforts with respect to tourism activities, particularly concerning cultural tourism and the resultant manners by which the county's many and various cultural institutions can be used to more effectively market Erie County and Western New York for tourism, and

WHEREAS, the Buffalo Niagara Convention and Visitors Bureau, a non-profit tourism promotion association, has begun to bring together many new segments of the county, servicing the tourism industry in a coordinated effort, and

NOW, THEREFORE, BE IT

RESOLVED, that the Buffalo Niagara Convention and Visitors Bureau, having been designated as the authorized tourism promotion agency for Erie County in 1974, is hereby re-designated as such for 2004-2005, and be it further

RESOLVED, that this Honorable Body does hereby request that the Buffalo Niagara Convention and Visitors Bureau make the appropriate application to the Commissioner of the New York State Department of Commerce for state matching funds to assist said tourism promotion agency in the financing of a recognized media advertising program, as defined and set forth in the New York State Tourism Protection Act, and be it further

RESOLVED, that officials of the Convention and Visitors Bureau are hereby requested to appear at a future meeting of the Legislature's Community Enrichment Committee to discuss the status of the aforementioned state matching fund grants and other matters relating to the furtherance of tourist activities within Erie County and Western New York, and be it further

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RESOLVED, that certified copies of this resolution be sent to the Charles Gargano, Commissioner of the New York State Department of Economic Development (30 South Pearl Street, Albany, NY 12245), to Richard Geiger and David Lacki of the Buffalo-Niagara Convention and Visitors Bureau (617 Main Street, Suite 200, Buffalo, New York 14203-1496), State Assembly Tourism, Arts, and Sports Development Committee Chairman Joseph D. Morelle, State Senate Tourism, Recreation and Sports Development Committee Chairman George D. Maziarz, and to Erie County Executive Joel Giambra.

Fiscal Impact: None for Resolution

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 36 – CHAIRMAN HOLT directed that the following resolution be referred to the HUMAN SERVICES COMMITTEE.

GRANTED.

Intro. 21-9 FROM LEGISLATOR SWANICK Re: Urging Erie County Department of Health & County Attorney to Forgo Any Further Appeals of Erie County's Smoking Waiver Procedure.

Item 37 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 437

Re: Consideration for Public Benefit  
Funding. (Intro. 21-10)

A RESOLUTION SUBMITTED BY LEGISLATOR WEINSTEIN

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

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NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Amherst Sesquicentennial Committee	\$1,000	WEINSTEIN
Town of Amherst ( <i>Rodent Control</i> )	\$2,000	WEINSTEIN
Amherst Youth Foundation	\$2,000	WEINSTEIN
Amherst Public Libraries	\$1,000	WEINSTEIN
Maple East Elementary	\$3,000	WEINSTEIN
Jewish Community Center	\$3,000	WEINSTEIN
Town of Amherst	\$6,751	WEINSTEIN
TOTAL	\$18,751	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Administrator of the Erie County Legislature; Laurie A. Manzella, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

MR. RANZENHOFER moved to amend the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

- **DELETE** the **FIRST (1<sup>st</sup>)** Resolve Clause, **REPLACE** With The **Following** Resolved Clause:

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Amherst Sesquicentennial Committee	\$1,000	WEINSTEIN
Town of Amherst ( <i>Rodent Control</i> )	\$2,000	WEINSTEIN
Amherst Youth Foundation	\$2,000	WEINSTEIN
Amherst Public Libraries	\$1,000	WEINSTEIN
Maple East PTA	\$3,000	WEINSTEIN

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Jewish Community Center	\$3,000	WEINSTEIN
Everywoman Opportunity Center	\$1,000	WEINSTEIN
Town of Amherst	\$5,751	WEINSTEIN
TOTAL		
	\$18,751	

And be it further

- **INSERT** The Following RESOLVED CLAUSE as the SECOND (2<sup>nd</sup>) RESOLVED CLAUSE”

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Explore & More	\$1,000	McCARVILLE
Library Foundation of Buffalo and Erie County, Inc.	\$1,000	McCARVILLE
TOTAL		
	\$2,000	

And be it further

MR. RANZENHOFER moved the approval of the resolution as amended. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 38 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 438

Re: Consideration for Public Benefit Funding. (Intro. 21-11)

A RESOLUTION SUBMITTED BY  
 LEGISLATOR CUSACK

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

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WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Harlem Kensington Cleveland Community Association	\$2,500	CUSACK

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Administrator of the Erie County Legislature; Laurie A. Manzella, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

MS. MARINELLI moved the approval of the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 39 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 439

Re: Administration Responsibility to Provide Monthly Budget Monitoring Reports. (Intro. 21-12)

A RESOLUTION SUBMITTED BY LEGISLATOR MARINELLI

**MEETING NO. 21**  
**October 7, 2004**

**ERIE COUNTY LEGISLATURE**

WHEREAS, under the Erie County Charter, the Erie County Administrative Code, and the Adopted 2004 Erie County Budget, the Erie County Executive and his department heads maintain numerous fiscal and budgetary obligations, including specific reporting provisions to the Erie County Legislature, and

WHEREAS, among those many financial and budgetary obligations, the County Executive, through his Director of the Division of Budget, Management and Finance, is required to transmit to the Legislature, the monthly budget monitoring reports (BMRs) produced by his staff that provide critical details concerning the county's year-to-date fiscal situation, such as actual and budgeted expenditures and revenues and variances, and

WHEREAS, those BMRs are required to be submitted to the Legislature within 30 days of the close of each month, and

WHEREAS, since taking office, the administration of County Executive Giambra has routinely and regularly failed to submit BMRs in the required timeframe, with the administration routinely refusing to submit BMRs at all for many months during 2003 and 2004, and

WHEREAS, for instance, in 2003, the three (3) BMRs for January, February and March were not delivered until May 6, 2003, and were only provided as a single BMR, and the two (2) BMRs for May and June were not delivered until August 22, 2003, and were only provided as a single BMR, and

WHEREAS, the two BMRs for August and September 2003 were not delivered until January 5, 2004, and were only provided as a single BMR, and

WHEREAS, the Giambra Administration completely failed to provide BMRs for November and December 2003, and

WHEREAS, the three (3) BMRs for January, February and March 2004 were not delivered until July 1, 2004, and were only provided as a single BMR, and

WHEREAS, the three (3) BMRs for April, May and June 2004 were not delivered until September 22, 2004, and were only provided as a single BMR, and

WHEREAS, the BMR for July 2004, which was due September 1, 2004, has still not been provided to the Legislature, and

WHEREAS, for the past two years, despite a formal requirement to do so, the few and infrequent BMRs provided by the Giambra Administration have not included the comprehensive year-end forecast showing projected gains and losses for the year – thus preventing the Legislature from engaging in its Charter-required duty to monitor the County's finances, and

WHEREAS, this repeated failure to comply with the Charter and Code had in fact, led the Legislature to unanimously adopt a resolution, Intro. 6-1, on March 7, 2002, with the Comptroller's support, requiring the administration to provide monthly BMRs with year-end forecasts, and

WHEREAS, in a common recognition of the problem and the repeated, systematic failure of the County Executive and his Budget Director to comply with their Charter, Code and Budget requirements, since 2002, the Erie County Comptroller has joined with the Legislature and been on record expressing her concern over the administration's failure to provide timely or detailed BMRs, with Comptroller Naples stating in January 2002 that this is "not adequate," and "It is imperative that more complete, more timely, and more understandable financial information be prepared and made available to the legislature and the taxpayers," and

WHEREAS, on September 24, 2004, the Comptroller noted and reiterated her concern over the administration's failure or refusal to provide timely and complete BMRs, stating that "it is irresponsible for the Administration to withhold financial forecasts," and "the Administration is choosing not to forecast year-end financial results."

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature reaffirms its request that the Erie County Executive and his staff, including the Director of Budget, Management and Finance and his division, comply immediately with the Erie County Charter, Erie County Administrative Code, annual Adopted Budget amendments, and Intro. 6-1 (2002) requiring them to provide complete and timely monthly BMRs to this Honorable Body, and be it further

RESOLVED, that this Honorable Body does hereby require that effective with the passage of this resolution, all monthly BMRs from now on shall include a detailed and comprehensive narrative commentary to explain and justify variances in budgeted and actual revenues and expenditures in all categories, all lines, and all Cost Centers and departments, and these reports and commentary must also discuss and provide details to explain how the administration is addressing these variances to meet the budget, and be it further

RESOLVED, that in an effort to project more accurately, and earlier in the fiscal year potential budget gaps or shortfalls, this Honorable Body does hereby require that effective with the passage of this resolution, all monthly BMRs starting with the April report shall include a comprehensive year-end forecast showing projected gains and losses for the year, including the use of fund balance, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, County Attorney, Director of Budget, Management and Finance, and the County Comptroller.

Fiscal Impact: Positive for Erie County Taxpayers.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 40 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

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**ERIE COUNTY LEGISLATURE**

CARRIED UNANIMOUSLY.

RESOLUTION NO. 440

Re: Consideration for Public Benefit  
 Funding. (Intro. 21-13)

A RESOLUTION SUBMITTED BY LEGISLATOR SMITH

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize its Public Benefit Administrator to send an application for Public Benefit Funding to the following organizations:

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Buffalo Federation of Neighborhood Centers	\$1,400	SMITH
The Child Care Coalition of the Niagara Frontier	\$ 500	SMITH
YMCA Humboldt Branch	\$2,000	SMITH
TOTAL	\$3,900	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrator of the Erie County Legislature; and Assistant County Attorney Greg Dudek.

Fiscal Impact: None

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

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CARRIED UNANIMOUSLY.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 41 – MS. MARINELLI moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 16E-9 (2004). MR. RANZENHOFER seconded. Legislator DEBENEDETTI in the negative.

CARRIED.

RESOLUTION NO. 441 -2004  
 BOND RESOLUTION DATED \_\_\_\_\_, 2004

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE DESIGN AND RECONSTRUCTION OF VARIOUS COUNTY HIGHWAYS, STATJNG THE ESTWATED MAXIMUM COST THEREOF IS \$4,000,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$4,000,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF.

(Introduced) \_\_\_\_\_ July 2 \_\_\_\_\_, 2004

(Adopted) \_\_\_\_\_, 2004

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Erie, New York (herein called "County"), is hereby authorized to design and reconstruct various County highways, as further described in "Attachment A" appended hereto and by reference made a part hereof, including pavement and shoulder widening, drainage improvements, sight distance and safety improvements. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$4,000,000, and said amount is hereby appropriated therefor pursuant to the duly adopted Capital Budget of said County for fiscal year 2004. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2004 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The plan of financing includes the issuance of \$4,000,000 bonds of the County to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the County in the principal amount of \$4,000,000 are "hereby authorized to be issued for the specific object or purpose described in Section 1 hereof, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

Section 3. The period of probable usefulness applicable to the specific object or purpose for which said \$4,000,000 bonds herein authorized are to be issued, within the limitations of Section 11:00 a. 20 (b) of the Law, is ten (10) :years.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Bond Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of said Local Finance Law, and pursuant to the provisions of §21.00 relative to providing for substantially level or declining annual debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any, notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be: contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

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(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

MS. MARINELLI moved the approval of the resolution. MR. RANZENHOFER seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. NOES: DEBENEDETTI, (AYES 14, NOES 1).

CARRIED (14-1).

Item 42 – MS. MARINELLI moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Intro. 19-4 (2004) as amended. MR. SCHROEDER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 442

Re: 2004 Road Repair List.

A RESOLUTION SUBMITTED BY  
 LEGISLATORS RANZENHOFER, MARSHALL, SMITH,  
 KUWIK, SWANICK & SCHROEDER

WHEREAS, Erie County owns and maintains over 1200 miles of roads, and

WHEREAS, each year a list of roads to be repaired with Erie County Department of Public Works, Highway Division Operation and Maintenance money is created, and

WHEREAS, during the year priorities for which roads need maintenance immediately and which roads can wait for repair may need to be altered, and

WHEREAS, \$28,000 was set aside to oil and chip Meahl Road and \$7,000 was set aside to oil and chip Schurr Road in the 2004 Department of Public Works, Highways Division Operation and Maintenance Budget, and

WHEREAS, it has become apparent that Keller Road and Rapids Road are in greater need of maintenance and repair in 2004, and

WHEREAS, Keller Road can be repaired for \$11 ,500, Rapids Road can be repaired for \$18,000, surface repairs can be done on Meahl Road for \$5,500 for a total of \$35,000, and

WHEREAS, \$328,050, was originally budgeted to top coat East Holland Road, and

WHEREAS, it has become apparent that Hunters Creek Road between Route 78 and Warner Hill Road is also in desperate need of repair, and

WHEREAS, Highway District 3 has realized a savings of \$20,000 in its allocated funds and proposes to use this \$20,000 for hot asphalt surface repair on Zimmerman Road in the district, and

WHEREAS, Highway District 5 has realized a savings of \$35,000 in its allocated funds and proposes to use this \$35,000 for hot asphalt surface repair on Zoar Valley Road, Gowanda Zoar Road, Foster Road, Scrabble Hill Road, Lenox Road and Groth Road in the district,

WHEREAS, if \$200,000 originally budgeted for East Holland Road is used to recycle Hunters Creek Road between Route 78 and Warner Hill Road that will leave \$128,050 to also recycle East Holland Road,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes \$11,500 to oil and chip Keller Road, \$18,000 to oil and chip Rapids Road, and \$5,500 to surface repairs on Meahl Road, and be it further

RESOLVED, that of the originally budgeted \$328,050 for top coating East Holland Road, \$200,000 be allocated to recycle Hunter Creek Road between Route 78 and Warner Hill Road with the remaining \$128,050 being used to recycle East Holland road, and be it further

RESOLVED, that Highway District 3 has realized a savings of \$20,000 in its allocated funds and proposes to use this \$20,000 for hot asphalt surface repair on Zimmerman Road in the district, and be it further

RESOLVED, that Highway District 5 has realized a savings of \$35,000 in its allocated funds and proposes to use this \$35,000 for hot asphalt surface repair on Zoar Valley Road, Gowanda Zoar Road, Foster Road, Scrabble Hill Road, Lenox Road and Groth Road in the district, and be it further

RESOLVED, that the Department of Public Works Highway Division undertake these repairs as soon as possible, and be it further

RESOLVED, that certified copies of this resolution be sent to Erie County Executive Joel A. Giambra, Commissioner of Public Works, Maria Lehman, Director of the Division of Budget, Management and Finance, Joseph Passafiume.

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**ERIE COUNTY LEGISLATURE**

**Attachment**

From: Larson, Dale  
Sent: Wednesday, September 22, 2004 9:27 AM  
To: Wahlharry@erie.gov'  
Cc: Sickler, Charles; Sentz, Gerard; Drozd, Phil, Lehman, Maria  
Subject: FW:

Please consider an amendment to the Ranz/Marshall reso so that I can capture the rest of the x-fer tax money that is "surplus". It really is obtained because of the great work of our maint. forces this year. These would be in the Chase/McCarville districts. Thanks for your help, any questions please call.

---original Message-----

From: Boehm, David  
Sent: Tuesday, September 21, 2004 3:05 PM  
To: Larson, Dale  
Cc: Sentz, Gerard, Lehman, Maria  
Subject:

Dale,

As we discussed this morning here are the additional recommended amendments to the 2004 Transfer Tax Legislation.

1) District 3 (Phil D.) realized a savings of \$20,000 from there allocated funds. Additional work to be performed: Hot Asphalt Surface repair on Zimmerman Road.

2) District 5 (Dave B.) realized a savings of \$35,000 from allocated funds for various Roads within the District.

Additional work to be performed: Hot Asphalt Surface Repair on Zoar Valley Road, Gowanda Zoar Road, Foster Road, Scrabble Hill Road, Lenox Road and Groth Road.

I really can't quantify how much I'd spend on each road so if we can just submit a list that would be great.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

**SUSPENSION OF THE RULES**

None.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM LEGISLATOR DEBENEDETTI**

Item 43 – (Comm. 21 E-1) Copy of Letter to Comptroller Re: Comm. 11E-28 (As Amended) – County Management of City Parks.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 44 – (Comm. 21 E-2) Copy of Letter to Budget Director Re: Lawrence W. Smith (Comm. 17E-14).

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 45 – (Comm. 21 E-3) Copy of Letter to Budget Director Requesting Information Re: Savings from Personnel Reductions.

Item 46 – (Comm. 21 E-4) Copy of Letter to Comptroller Re: Request for Audit of County – Issued Credit & Fuel Card Usage.

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 47 – (Comm. 21 E-5) Copy of Letter to NYS Comptroller Re: ECWA Audit.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 48 – (Comm. 21 E-6) Copy of Letter to County Attorney Re: Utilization of Fund Balance.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COMPTROLLER**

Item 49 – (Comm. 21 E-7) Letter Re: Budget Monitoring Reports.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM LEGISLATOR RANZENHOFER**

Item 50 – (Comm. 21 E-8) Letter Re: Comm. 15E-7.

Received and filed.

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**FROM THE COMPTROLLER**

Item 51 – (Comm. 21 E-9) Bond Resolution - \$700,000 – Glen Avenue Bridge Reconstruction.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM LEGISLATOR SMITH**

Item 52 – (Comm. 21 E-10) Copy of Letter to Clerk of Legislature – Informational Meeting - 10/8/04 – Human Services Committee.

RECEIVED, FILED & PRINTED.

September 28, 2004

Kevin Kelley  
Clerk  
Erie County Legislature  
92 Franklin Street  
Buffalo, NY 14202

RE: **INFORMATIONAL MEETING – OCTOBER 8, 2004**  
**HUMAN SERVICES COMMITTEE**

Dear Mr. Kelley:

As Chair of the Legislature's Human Services Committee, I hereby announce my Intention to hold an INFORMATIONAL MEETING of the Human Services Committee on FRIDAY, OCTOBER 8, 2004 at 10 am in the Legislature's Chambers.

The purpose of the meeting will be to discuss the forthcoming package from the County Executive transmitting the proposed "Blueprint for Change," the "reengineering" of Erie County health, family, human and social service delivery.

Please notify legislators, the administration and the public of this meeting. Thank you for your courtesies.

Sincerely,

DEMONE SMITH  
Chair, Human Services Committee

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**ERIE COUNTY LEGISLATURE**

FROM LEGISLATOR SWANICK

Item 53 – (Comm. 21 E-11) Letter to Clerk of Legislature Re: Cancellation of Finance & Management Committee.

Received and filed.

FROM LEGISLATOR MARSHALL

Item 54 – (Comm. 21 E-12) Letter to Clerk of Legislature Re: Cancellation of Finance & Management Committee.

Received and filed.

FROM THE COMPTROLLER

Item 55 – (Comm. 21 E-13) Apportionment & Distribution of 4% Sales Tax for 9/04.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR DEBENEDETTI

Item 56 – (Comm. 21 E-14) Copy of Letter to NYS Comptroller Re: Request for Audit of Enterprise Resource Planning System (ERP/SAP).

Item 57 – (Comm. 21 E-15) Letter to County Attorney Re: Inquiry About the Defense Counsel of Messrs Naylor & Sutton.

The above two items were received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 58 – (Comm. 21 E-16) Copy of Letter to County Executive Re: ECC Student Survey.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 59 – (Comm. 21 E-17) Copy of Letter to Comptroller & Budget Director Re: Unanticipated Revenue Reporting.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DISTRICT ATTORNEY

Item 60 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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**ERIE COUNTY LEGISLATURE**

RESOLUTION NO. 443

Re: Motor Vehicle Purchase.  
(Comm. 21 E-18)

WHEREAS, vehicles are used by the District Attorney's Office for investigative, surveillance and prosecutorial purposes on a daily basis, and

WHEREAS, asset forfeiture funds of the District Attorney's Office have been previously, appropriated for the purchase of vehicles for law enforcement and prosecutorial efforts, and

WHEREAS, a majority of the vehicles currently maintained by said office have mileage close to or exceeding 100,000 miles and are in need of constant repairs, and

WHEREAS, surveillance vehicles need to remain as inconspicuous as possible, and

WHEREAS, a savings will be realized by purchasing used vehicles rather than new vehicles and there will be no impact on county tax dollars

NOW, THEREFORE, BE IT

RESOLVED, that the District Attorney's Office is hereby authorized to purchase three used vehicles from Briarwood Motors, 65 Center Road, West Seneca, NY 14224 out of Fund 110, Funds Center 11400, Account 561440-Motor Vehicles, and be it further

RESOLVED, the vehicles to be purchased are:

- 2002 Ford Taurus SE Sedan, 26,361 miles, \$8,950
- 2002 Ford Taurus LX Sedan, 18,494 miles, \$9,850
- 2003 Ford Taurus SE SVG Sedan, 27,287 miles, \$9,700

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Executive, the Erie County Comptroller and the Director of Budget, Management and Finance.

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

- **ADD** the following as the new third (3<sup>rd</sup>) **RESOLVE** Clause:

RESOLVED, that effective with the passage of this resolution, the Erie County District Attorney shall submit quarterly reports to the Erie County Legislature detailing the amounts or value of assets forfeited (asset forfeiture) to the County during that quarter, as well as the current amount of asset forfeiture funds held by the District Attorney, and be it further

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- **DELETE** the existing third (3<sup>rd</sup>) **RESOLVE** Clause and **REPLACE** with the following as the new fourth (4<sup>th</sup>) **RESOLVE** Clause:

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Executive, the Erie County Comptroller, the Director of Fleet Services, and the Director of Budget, Management and Finance.

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI second.

CARRIED UNANIMOUSLY.

FROM THE COUNTY EXECUTIVE

Item 61 – (Comm. 21 E-19) Memorandum to Legislators Re: Request for Additional 2% EC Sales Tax.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 62 – (Comm. 21 E-20) Federal Financial Assistance Report for Year Ended 12/03.

Item 63 – (Comm. 21 E-21) Copy of Letter to Budget Director Re: Restructuring of County Debt.

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 64 – (Comm. 21 E-22) Invitation to 2005 Budget Issues Review Meeting 10/8/04.

Received and filed.

Item 65 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 444

Re: Lease Agreement for  
 Timothy J. Burvid Cazenovia Park Ice  
 Rink. (Comm. 21 E-23)

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**ERIE COUNTY LEGISLATURE**

WHEREAS, Ice rink management of City of Buffalo ice rinks is the responsibility of Erie County as a result of the Intermunicipal Agreement between the County of Erie and the City of Buffalo; and

WHEREAS, there are experienced community organizations who will operate and manage this facility in furtherance of the best interest of the citizens of Erie County; and

WHEREAS, this lease agreement will deliver the best quality service at the lowest possible cost; and

WHEREAS, it is estimated that the County of Erie will also benefit by operational savings;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to sign a lease agreement with South Buffalo Community Association for the operation of the Timothy J. Burvid Cazenovia Park Ice Rink for an initial term of five (5) years, subject to a single five (5) year renewal term, and be it further,

RESOLVED, that the terms and conditions of the lease agreement be subject to approval as to form by the Erie County Attorney's Office and the operator to provide the Erie County Attorney's Office with proof of incorporation in the State of New York and a certificate of good standing within thirty (30) days of the receipt of the notice of award of the contract and failure to do so shall result in rescission of the award of the contract, and be it further

RESOLVED, that the Director of Budget, Management & Finance is hereby authorized to deposit the revenue generated as a result of this lease agreement into an account to be established in the Department of Parks, Recreation & Forestry to be utilized for additional ice rink-related needs, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the County Comptroller, the Director of Budget, Management & Finance, the Commissioner of Parks, Recreation & Forestry, the Commissioner of the Department of Environment & Planning, the County Attorney, and the South Buffalo Community Association.

MS. MARINELLI moved the approval of the resolution. MR. SWANICK seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES 15, NOES 0).

CARRIED UNANIMOUSLY.

Item 66 – (Comm. 21 E-24) Appointment to EC Disaster Preparedness Board.

**MEETING NO. 21**  
**October 7, 2004**

**ERIE COUNTY LEGISLATURE**

RECEIVED, FILED & PRINTED.

October 1, 2004

The Honorable  
 Erie County Legislature  
 25 Delaware Avenue  
 Buffalo, New York 14202

Re: Appointment to the Erie County Disaster Preparedness Advisory Board

Honorable Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Erie County Charter Article XI-C-03, do hereby appoint the following individual to the Erie County Disaster Preparedness Advisory Board for a term expiring December 31, 2005 to replace James R. McSweeny, who has resigned:

NAME & ADDRESS

TERM EXPIRATION

Patrick Fellner  
 National Fuel Gas Distribution Corporation  
 6363 Main Street  
 Williamsville, NY 14221-5887

December 31, 2005

Very truly yours,

JOEL A. GIAMBRA  
 ERIE COUNTY EXECUTIVE

JAG/jda

cc: Appointee  
 Commissioner Michael Walters  
 Deputy Commissioner Dean Messing

Item 67 – (Comm. 21 E-25) Lease Agreement for Bud Bakewell "Riverside" Ice Rink.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 68 – (Comm. 21 E-26) Purchase of 2004 Tax Sale Certificate.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 69 – (Comm. 21 E-27) Social Services – Medicaid Managed Care Grant.

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**October 7, 2004**

**ERIE COUNTY LEGISLATURE**

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 70 – (Comm. 21 E-28) Replenishing the Bureau of Fleet Service's Fuel Account & Adjustments to DISS Interdepartmental (ID) Billing.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 71 – (Comm. 21 E-29) Health – American Red Cross – Buffalo Chapter Contract Amendment.

Item 72 – (Comm. 21 E-30) Health – Western Regional Training Grant -7/1/03 - 6/30/04 SFG Project #871.

Item 73 – (Comm. 21 E-31) Health – INHALE Program 1/1/03 - 12/31/05.

The above three items were received and referred to the HUMAN SERVICES COMMITTEE.

Item 74 – (Comm. 21 E-32) ECSD No. 2 – Engineering Agreement 8/29/02 – URS Corporation – Change Order No.1.

Item 75 – (Comm. 21 E-33) ECSD Nos. 1-6 & Southtowns Sewage Treatment Agency – Engineering Term Agreements.

Item 76 – (Comm. 21 E-34) ECSD No. 3 -NYS Water Pollution Control Revolving Loan Program – Transfer East Aurora/Aurora Wastewater Assets/Treatment Plant to ECSD No. 3.

Item 77 – (Comm. 21 E-35) Sewerage Management – Engineering Agreement Close-Out – Agreement Dated 11/2/95 – TVGA Engineering.

Item 78 – (Comm. 21 E-36) ECSD No. 3 -NYS Water Pollution Control Revolving Loan Program – Sanitary Sewer & Pumping Station Rehab.

Item 79 – (Comm. 21 E-37) EC Southtowns Sewage Treatment Agency – Engineering Service Agreements – Stearns & Wheler.

Item 80 – (Comm. 21 E-38) ECSDs & Southtowns Sewage Treatment Agency – Engineering Agreement Close-Out – Agreement Dated 11/5/98 – URS Corporation.

Item 81 – (Comm. 21 E-39) ECSD No. 6 -Lackawanna – Proposed Agreement – Property Acquisition.

Item 82 – (Comm. 21 E-40) Award of Contract – Lapp Road Bridge Replacement – (Comm. 17E-29).

**MEETING NO. 21**  
**October 7, 2004**

**ERIE COUNTY LEGISLATURE**

The above nine items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 83 – (Comm. 21 E-41) Water Lab & Level 3 Bio-Lab Security Enhancements at ECMC.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 84 – (Comm. 21 E-42) Social Services – West Side Delinquency Prevention Program.

Received and referred to the HUMAN SERVICES COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM BUDGET, FINANCE & MANAGEMENT**

Item 85 – (Comm. 21 D-1) Budget Monitoring Report for Period Ending 6/30/04.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE DEPARTMENT OF PUBLIC WORKS**

Item 86– (Comm. 21 D-2) Memo Re: Status of FEMA Reimbursable Projects.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM BUDGET, FINANCE & MANAGEMENT**

Item 87 – (Comm. 21 D-3) Copy of Letter to Comptroller Re: Comm. 21E-7.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM DPW**

Item 88 – (Comm. 21 D-4) Complaint Distribution Response Form – Family Court Warrant Unit 4<sup>th</sup> Floor.

Received and filed.

Item 89 – (Comm. 21 D-5) Complaint Distribution Response Form – Kenmore Avenue.

Received and filed.

Item 90 – (Comm. 21 D-6) Complaint Distribution Response Form – Main Place Parking Garage.

**MEETING NO. 21**  
**October 7, 2004**

**ERIE COUNTY LEGISLATURE**

Received and filed.

FROM THE COUNTY ATTORNEY

Item 91 – (Comm. 21 D-7) Letter to Legislator DeBenedetti Re: Retention of Outside Counsel – Furniture Audit.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE CLERK OF THE LEGISLATURE

Item 92 – (Comm. 21 D-8) Informational Meeting – Human Services Committee to be Held 10/8/04.

Item 93 – (Comm. 21 D-9) Letter to Legislator Marshall Re: Comm. 21E-12.

Item 94 – (Comm. 21 D-10) Letter to Legislator Swanick Re: Comm. 21E-11.

The above three items were received and filed.

FROM DPW

Item 95 – (Comm. 21 D-11) Complaint Response Re: Family Court Warrant Unit – 4<sup>th</sup> Floor (Comm. 21D-4).

Received and filed.

Item 96 – (Comm. 21 D-12) ECMCC Financial Statements for 8/04.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM DPW

Item 97 – (Comm. 21 D-13) Complaint Response Re: Kenmore Avenue (Comm. 21D-5).

Received and filed.

FROM PURCHASE

Item 98 – (Comm. 21 D-14) 4th Quarter Vehicle Purchases.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM DEP

Item 99 – (Comm. 21 D-15) SEQR – Negative Declaration -ECSD No. 2.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM CIMINELLI CONSTRUCTION**

Item 100 – (Comm. 21 M-1) Minutes for Erie County Courts Master Plan Meeting Held 9/7/04.

Received and filed.

**FROM CONGRESSMAN QUINN**

Item 101 – (Comm. 21 M-2) Receipt of Resolution.

Received and filed.

**FROM THE TOWN OF COLDEN**

Item 102 – (Comm. 21 M-3) Certified Copy of Resolution Re: Court Revenue Fee.

Received and filed.

**FROM THE INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS – LOCAL 41**

Item 103 – (Comm. 21 M-4) Copy of Letter to Legislator Marinelli Re: Untimely Payments on County Projects.

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM NYSDEC**

Item 104 – (Comm. 21 M-5) Receipt of Resolution.

Received and filed.

**FROM SENATOR VOLKER**

Item 105 – (Comm. 21 M-6) Receipt of Resolution.

Received and filed.

**MEETING NO. 21**  
**October 7, 2004**

**ERIE COUNTY LEGISLATURE**

**FROM THE NYS BOARD OF REAL PROPERTY SERVICES**

Item 106 – (Comm. 21 M-7) List of County Equalization Rates.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM ECIDA**

Item 107 – (Comm. 21 M-8) Notice of Meeting to be Held 10/13/04.

Received and filed.

**FROM BUFFALO PLACE**

Item 108 – (Comm. 21 M-9) Copy of 2005 Budget & Minutes from Public Hearing.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE ERIE-NIAGARA REGIONAL PARTNERSHIP**

Item 109 – (Comm. 21 M-10) Agenda for Meeting Held 10/1/04 & Minutes for Meeting Held 7/30/04.

Received and filed.

**FROM ECWA**

Item 110 – (Comm. 21 M-11) 2003 Annual Report

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**MEMORIAL RESOLUTIONS**

Item 111 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of Robert Ryan.

Item 112 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of Randolph “Randy” Osvath.

Item 113 – Mr. Schroeder requested that when the Legislature adjourns, it do so in memory of Justin Strzelczyk.

Item 114 – Mr. McCarville requested that when the Legislature adjourns, it do so in memory of Christopher Breen.

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**October 7, 2004**

**ERIE COUNTY LEGISLATURE**

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Item 115 – Ms. Marshall requested that when the Legislature adjourns, it do so in memory of Zoe Ann Preston.

**ADJOURNMENT**

Item 116 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. MARINELLI moved that the Legislature adjourn until 2 p.m. Thursday, October 21, 2004. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, October 21, 2004 at 2 p.m. Eastern Standard Time.

**KEVIN M. KELLEY**  
**CLERK**